

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID E. KAPLAN, et al., : :
: : 12 Civ. 9350

Plaintiffs, : 1

: ORDER

S.A.C. CAPITAL ADVISORS, L.P.,
et al.,

Defendants.

VICTOR MARRERO, United States District Judge.

The Court writes to confirm and clarify its May 9 Order consolidating Birmingham Retirement & Relief System v. S.A.C. Capital Advisors, L.P., No. 13 Civ. 2459 (S.D.N.Y.) (the "Birmingham Action"), with this action (the "Kaplan Action"). (Dkt. No. 56.) The Court specified that the Birmingham Action and the Kaplan Action are to be consolidated for "all pretrial purposes." (*Id.*) Following a May 14, 2013 telephone conference with counsel for all parties in the actions, the Court remains persuaded that any differences between the Birmingham Action and the Kaplan Action, which relate primarily to the issuers of the securities in dispute, are outweighed by the potential gains in efficiency that will result in the maximum feasible consolidation and coordination of pretrial proceedings. The Court reiterates its expectation that all parties will endeavor to cooperate to ensure that

such matters are adequately addressed in their pretrial discussions and filings. The Court suggested that such efforts should extend, insofar as possible, to preparation of a consolidated amended complaint covering both actions, and to any motion to dismiss addressing issues common to both actions. Where a filed document pertains to either the Birmingham Action and the Kaplan Action but not the other, the filing party is directed to include in parentheses after the docket number in the caption either "Birmingham" or "Kaplan," as appropriate.

SO ORDERED.

Dated: NEW YORK, NEW YORK
21 May 2013



VICTOR MARRERO
U.S.D.J.